

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS EWING PALEVEDA,

Plaintiff,

v.

ALAMEDA COUNTY, et al.,

Defendants.

Case No. [24-cv-08716-RMI](#)

**ORDER OF DISMISSAL WITH LEAVE
TO AMEND**

Re: Dkt. Nos. 12, 14

Plaintiff, a detainee, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Plaintiff has been granted leave to proceed *in forma pauperis*.

DISCUSSION

Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity, or from an officer or employee of a governmental entity. 28 U.S.C. 1915A(a). In its review, the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at § 1915A(b)(1), (2). Further, it should be noted that pleadings submitted by pro se parties must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” While specific facts are not necessary, the statement needs to give the defendant fair notice of the nature of the claim and the grounds upon which it rests. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007). Although a plaintiff need not include detailed factual allegations in a complaint, the complaint must do more than recite elements of a

1 cause of action and state conclusions; rather a plaintiff must state factual allegations sufficient to
 2 raise the entitlement to relief “above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550
 3 U.S. 544, 555 (2007). A complaint must proffer “enough facts to state a claim to relief that is
 4 plausible on its face.” *Id.* at 570. The Supreme Court recently explained this standard: “[w]hile
 5 legal conclusions can provide the framework of a complaint, they must be supported by factual
 6 allegations . . . [and] [w]hen there are well-pleaded factual allegations, a court should assume their
 7 veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft*
 8 *v. Iqbal*, 556 U.S. 662, 679 (2009).

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements:
 10 (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that
 11 the alleged deprivation was committed by a person acting under the color of state law. *West v.*
 12 *Atkins*, 487 U.S. 42, 48 (1988).

13 Legal Claims

14 Plaintiff discusses issues with the conditions of confinement at Santa Rita Jail. Plaintiff
 15 appears to be a pretrial detainee.

16 Pursuant to Fed. R. Civ. P. 8(a)(2), a plaintiff must provide “a short and plain statement of
 17 the claim showing that the pleader is entitled to relief” Rule 8 requires “sufficient allegations
 18 to put defendants fairly on notice of the claims against them.” *McKeever v. Block*, 932 F.2d 795,
 19 798 (9th Cir.1991)). *Accord Richmond v. Nationwide Cassel L.P.*, 52 F.3d 640, 645 (7th Cir.1995)
 20 (amended complaint with vague and scanty allegations fails to satisfy the notice requirement of
 21 Rule 8.) “The propriety of dismissal for failure to comply with Rule 8 does not depend on whether
 22 the complaint is wholly without merit,” *McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996).

23 “[M]ultiple claims against a single party are fine, but Claim A against Defendant 1
 24 should not be joined with unrelated Claim B against Defendant 2.” *George v. Smith*, 507 F.3d 605,
 25 607 (7th Cir. 2007). “Unrelated claims against different defendants belong in different suits,” not
 26 only to prevent the sort of “morass” that a multi-claim, multi-defendant suit can produce, “but also
 27 to ensure that prisoners pay the required filing fees – for the Prison Litigation Reform Act limits to
 28 3 the number of frivolous suits or appeals that any prisoner may file without prepayment of

1 required fees.” *Id.* (citing 28 U.S.C. § 1915(g)).

2 Plaintiff presents numerous claims against different jail staff. He states that jail officials
3 would not burn his hair pursuant to the vow of the Nazarite in the Bible, he was not provided
4 adequate space and time for exercising, he was not provided basic court information for his public
5 defender or the jail’s lawyer, the jail is not clean and he was not provided with cleaning inspection
6 logs, he was not provided the Kosher diet, and jail officials improperly discarded his hair that
7 needed to be burned. While Plaintiff presents numerous claims, he fails to identify any specific
8 Defendants or describe their action and how they violated his rights.

9 The complaint is dismissed with leave to amend to focus on a few related claims in an
10 amended complaint. Plaintiff may file additional cases regarding other claims. Plaintiff must also
11 identify the individual Defendants and describe how they violated his constitutional rights in
12 specific incidents. It is insufficient to simply allege that jail staff violated his rights. He must
13 provide specific allegations. In addition, Plaintiff may not submit multiple filings with different
14 claims. The court will only consider claims and allegations in one amended complaint.

15 CONCLUSION

16 1. The motion to compel and for a preliminary injunction to obtain the relief in the
17 complaint (dkt. 12) is **DENIED** without prejudice because it is difficult to understand. Plaintiff
18 may file an amended motion once he addresses the deficiencies in the complaint. The motion for
19 the jail to provide *in forma pauperis* paperwork (dkt. 14) is **DENIED** as moot because the jail has
20 provided that information.

21 2. The complaint is **DISMISSED** with leave to amend in accordance with the standards
22 set forth above. The amended complaint must be filed within **twenty-eight (28) days** of the date
23 this order is filed, and it must include the caption and civil case number used in this order and the
24 words “AMENDED COMPLAINT” on the first page. Because an amended complaint completely
25 replaces the original complaint, Plaintiff must include in it all the claims he wishes to present. *See*
26 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may not incorporate material
27 from the original Complaint by reference. Failure to amend within the designated time will result
28 in dismissal of this case.

1 3. It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the court
2 informed of any change of address by filing a separate paper with the clerk, headered "Notice of
3 Change of Address," and must comply with the court's orders in a timely fashion. Failure to do so
4 may result in dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil
5 Procedure 41(b).

6 **IT IS SO ORDERED.**

7 Dated: February 10, 2025

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12 ROBERT M. ILLMAN
13 United States Magistrate Judge
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